

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

iRACING.COM MOTORSPORT SIMULATIONS LLC,	)	
a Delaware Limited Liability Company, Plaintiff	)	
	)	
V.	)	Civil Action No.
	)	05-11639 NG
	)	
TIM ROBINSON, individually and d/b/a	)	
<a href="http://www.ow-racing.com">www.ow-racing.com</a> and <a href="http://www.torn8oalley.com">www.torn8oalley.com</a> ,	)	
Defendant	)	
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**DEFENDANT'S MOTION TO EXTEND TIME FOR RESPONDING TO  
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Counsel for the defendant Tim Robinson moves that the time within which defendant may respond to Plaintiff's Motion for Summary Judgment be extended to and including Monday, October 16, 2006. In support of this motion the undersigned counsel respectfully represents as follows:

1. Plaintiff filed its motion for summary judgment at 5:24 p.m. on Friday August 11, 2006.
2. Between the undersigned counsel's personal schedule and commitments in other cases, and defendant's reportedly extensive travel on business during August, counsel and client have only recently been able to start to address the issues raised by plaintiff's motion.
3. Although plaintiff objected to transfer of this case to California, plaintiff's motion relies in large part upon an affidavit from an expert in California. In addition to the travel expenses involved, plaintiff also has demanded that defendant compensate its expert for his time. Exhibit 1. Plaintiff knows full well that defendant does not have the resources to do this. The inability to depose plaintiff's expert makes defendant's ability to respond to plaintiff's motion more difficult.

4. Defendant telephoned Attorney Schwartz on Friday, September 15, 2006 to request assent to this requested extension. Attorney Schwartz reportedly was then going out the door, and the call was given to Attorney Andrews. Attorney Andrews said that he would have to check with Attorney Schwartz. This morning Attorney Andrews sent a telecopy advising that iRacing declines to stipulate to the requested extension.

5. The requested time is reasonably necessary in order properly to respond to the motion. As the motion is a dispositive one, it is important that defendant be permitted properly to address it.

6. As the activity complained about is not ongoing, plaintiff is not harmed by this extension.

7. This is defendant's first request for an extension to respond to this motion.

WHEREFORE the defendant Tim Robinson respectfully requests that the time within which defendant may file its response to Plaintiff's Motion for Partial Summary Judgment be extended to and including Monday, October 16, 2006.

By his attorneys,

Joseph F. Ryan BBO# 435720  
Lyne Woodworth & Evarts LLP  
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Boston, MA 02210  
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E-mail: [Jryan@LWELaw.com](mailto:Jryan@LWELaw.com)

Certificate

I certify that I conferred with counsel for plaintiff concerning this motion, by telephone with counsel on Friday, September 15, 2006.

\_\_\_\_\_.

Joseph F. Ryan BBO# 435720

PETRIE | SCHWARTZ LLP

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August 15, 2006

By Facsimile

Joseph F. Ryan  
Lyne Woodworth & Evarts LLP  
600 Atlantic Avenue  
Boston, MA 02210

Re: *iRacing Motorsport Simulations, LLC v. Tim Robinson*,  
Civ. No. 05-11639-NG (D. Mass. 2006).

Dear Mr. Ryan:

Please take notice that Rance J. DeLong, the expert witness for iRacing Motorsport Simulations, LLC ("iRacing") in the above-titled case, is available for deposition on the following dates: August 21-24 and September 11-17, 2006. Mr. DeLong resides in Los Gatos, California and will appear there unless Mr. Robinson will pay for Mr. DeLong travel to Massachusetts.

If Mr. Robinson opts to depose Mr. DeLong, please note that under Federal Rule of Civil Procedure 26(b)(4), Mr. Robinson shall be responsible for compensating Mr. DeLong for his time in appearing at the deposition, which fees (and travel expenses if necessary) Mr. DeLong requires to be paid on deposit prior to his appearance. Please let us know by the end of the week whether you will take Mr. DeLong's deposition and if so which of the aforementioned dates you prefer.

Very truly yours,



Michael G. Andrews